IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 24779 of 1995

Between:

The Ex-Servicemen Association, Madanapalli rep. by its Secretary, K.Rayudu, S/o.Subbanna
R/o.Madanapalli, Chittoor district.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District
2 The Revenue Divisional Officer, Madanapalli, Chittoor

District.

3 The Mandal Revenue Officer
Madanapalli Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the proceedings Roc.A/1115/93, dated 15-9-93 issued by R3 herein as illegal improper, without jurisdiction and violative of principles of natural justice.

Counsel for the Petitioner:MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents:G.P.for Revenue

The Court made the following O R D E R:

Heard learned counsel for the parties.

Some land was granted to the petitioner Ex-Servicemen Association for construction of an office to conduct the meetings. The Mandal Revenue Officer opined that a building was constructed over the land and the land was not used for the purpose for which it had been assigned to the petitioner Association. Therefore, he passed the impugned order resuming the land along with the building.

Learned counsel for the respondents submits that the order passed by the Mandal Revenue Officer is appellable. Even the impugned order had informed the petitioner that appeal would lie against the order to the Revenue Divisional Officer. The writ petitioner approached this Court instead of filing an appeal. Since the matter has been pending in this Court for ten years, therefore, it may not be just to dismiss this writ petition. Hence, in the interests of justice, I allow the petitioner to file an appeal against the impugned order within one month from today. If the appeal is filed within one month, the Revenue Divisional Officer shall dispose of the same in accordance with law, within one month thereafter.

For a period of two months, the parties shall maintain status quo. The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki,J)

24th March, 2005

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To

1 The District Collector, Chittoor, Chittoor District
2 The Revenue Divisional Officer, Madanapalli, Chittoor

District.

3 The Mandal Revenue Officer
Madanapalli Chittoor District.

4 Two C.Cs to the Government Pleader for Revenue,

High Court of A.P., Hyderabad (OUT)

5 Two C.D copies